## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BSG Resources (Guinea) Limited, BSG Resources (Guinea) Sàrl, and BSG Resources Limited,	) ) ) No. 1:17-cv-02726 (JFK) (AJP)
Plaintiffs,	)
-against-	) )
George Soros, Open Society Foundations,	) )
Open Society Institute, Foundation to	)
Promote Open Society, Open Society	)
Foundation, Inc., Alliance for Open Society	)
International, Inc., Open Society Policy	)
Center, and Open Society Fund,	)
	)
Defendants.	)
	)

## DECLARATION OF MICHAEL S. LAZAROFF

Michael S. Lazaroff hereby declares, under penalty of perjury, as follows:

- 1. I am a member of the Bar of this Court and practice at Greenberg Traurig LLP, attorneys for Plaintiffs in the above-captioned action. I submit this Declaration in opposition to Defendants' Objection to Magistrate Judge's Order.
- 2. I make this Declaration based on my personal knowledge, including my review of pertinent documents and without intention, authorization, or effect of waiving or compromising any privilege or immunity held by our clients. The documents referred to herein and in the other papers submitted herewith, denoted "Ex.", are itemized herein and annexed hereto.
- 3. In their responses to Plaintiffs' First Request for Production of Documents,

  Defendants stated they would produce documents "beginning within two weeks of the entry of

the ESI protocol and a protective order". Plaintiffs made a similar commitment in their responses to Defendants' First Request for Production of Documents.

- 4. The ESI protocol and "a protective order" were entered on Thursday, August 24, 2017. Plaintiffs began their production two weeks later, on Thursday, September 7, 2017.
- 5. Defendants have not made any production. On Thursday, September 7, 2017, they filed the instant objection.
- 6. On Friday, September 8, 2017, the Natural Resource Governance Institute (NRGI) the current name for Revenue Watch Institute (RWI) sent an email in which it refused to produce documents pursuant to subpoena served on it until the current objection by Defendants is resolved, although they represented they otherwise had a production ready to be sent to us. NRGI/RWI is a key entity that the Amended Complaint alleges Defendants controlled (*e.g.*, AC ¶¶ 9, 49, 51, 53, 67-68, 72, 76-77, 80, 84, 85, 89, etc.). Counsel for NRGI attached to their email a copy of Defendants' objection that did not have the ECF filing header.

## **Exhibits Attached**

- 7. Attached as **Ex. A** is a true and correct copy of the Protective Order entered in this action.
- 8. Attached as **Ex. B** is a true and correct copy of a blackline of the Defendants' proposed protective order against the Protective Order entered in this action.
- 9. Attached hereto as **Ex. C** is a true and correct copy of excerpts from the August 24, 2017 Transcript of proceedings before Judge Peck in this action.
- 10. Attached as **Ex. D** is a true and correct copy of the Protective Order entered by Judge Peck in the action *Rio Tinto plc v. Vale SA., et al.*, No. 14-cv-3042 (RMB) (AJP).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York September 15, 2017

Michael S. Lazaroff